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UNCLAS SECTION 01 OF 02 MANILA 005326

SIPDIS

FOR G/TIP, EAP/RSP, EAP/MTS, EAP/MLS
STATE ALSO FOR AID
LABOR FOR ILAB

E.O. 12958: N/A

TAGS: [PHUM](#) [PGOV](#) [PREL](#) [ELAB](#) [KWMN](#) [KCRM](#) [RP](#) [JA](#)

SUBJECT: PHILIPPINES/TIP: INTERIM ASSESSMENT

REF: A. STATE 192352

[B](#). MANILA 4984

[C](#). MANILA 4831

[D](#). MANILA 3500

[E](#). MANILA 1815

[1](#). (U) Summary. In response to Ref A, this message provides information on the Philippines for the Interim Assessment on the Special Watch List countries due in Congress no later than February 1. The Philippine Department of Justice (DoJ) has trebled the number of prosecutors at the national level handling TIP cases, and has assigned additional prosecutors at the regional level to focus on TIP cases, resulting in a fourfold increase since November 2004 in prosecutions under the 2003 anti-trafficking law. No trial case under the 2003 law has yet resulted in a verdict or conviction, however. One new TIP case involves a Manila-based police official, who remains in detention. GRP officials in the national government as well as local government units have increased awareness of how to implement the 2003 TIP law as a result of new GRP-funded programs as well as some USG-funded training initiatives. The flow of Philippine entertainers traveling to Japan had fallen by 83 percent as of October 2005. Philippine authorities have cooperated in four cases so far involving American citizens under the PROTECT ACT and other sexual crimes over the past year. End Summary.

Enforcement of Anti-Trafficking Law

[2](#). (U) GRP prosecutors and NGO lawyers continue to make limited headway in prosecuting human traffickers. As of November 2005, prosecutors had filed 56 trafficking cases under the 2003 TIP law (R.A. 9208), up from 10-12 cases filed by the same time last year. Of these, 36 are in the trial phase but none has led to a verdict, much less an actual conviction. According to DoJ authorities, courts in 2005 have convicted some individuals under related laws, such as child abuse and illegal recruitment, but they were unable to provide statistics. The Philippine DOJ has assigned additional prosecutors in Manila to handle TIP cases, bringing the total number from 4 to 14. Additionally, approximately 45 prosecutors in regional DoJ offices are focused on TIP.

[3](#). (U) In October, the Philippine Secretary of Justice and the Chief State Prosecutor agreed to implement a new policy in the Philippine DOJ's TIP Prosecution Unit that requires police and prosecutors to coordinate closely during the investigative and trial period (ref B).

Prosecution of Government Officials

[4](#). (U) In June 2005, DOJ for the first time charged a government official with violating R.A. 9208. Police officer Dennis Reci was arrested for allegedly trafficking minors to engage in sexual slavery at his nightclub in Manila (which authorities shut down). He is currently detained at the Manila City Jail awaiting arraignment.

Additional TIP Training

[5](#). (U) The GRP has strongly promoted training programs for law enforcement and immigration officials on trafficking issues and how to deal with victims. The GRP's Inter-Agency Council Against Trafficking in Persons (IACAT) in March began to offer training to prosecutors and judges from around the country and plans to complete a manual for law enforcement personnel and prosecutors on how better to implement the 2003 anti-trafficking law by December. The USG-funded "Rule of Law Effectiveness" Project has separately worked with several government agencies and non-government organizations to raise awareness of TIP issues and to strengthen anti-TIP mechanisms at the local level. Approximately 365 police, prosecutors, immigration officials, social workers, and local government officials have received training in the first eleven months of 2005.

Increased Victim Cooperation in Prosecutions

16. (U) In April 2005, the Philippine Secretary of Justice issued a directive ordering all prosecutors to give preferential attention to TIP cases and vigorously to oppose and object to any motions for dismissal due to lack of testimony by witnesses in TIP cases (ref E) or where the defendant had made a financial settlement with the victim or other family members. The directive also instructed prosecutors to recommend against bail in cases violating certain sections of the anti-trafficking act. These directives are included in ongoing training seminars for TIP prosecutors.

17. (U) The GRP's witness protection program, which DOJ operates, still lacks the budget to accommodate the large number of TIP victims. The Visayan Forum Foundation (VFF), a local NGO working against TIP with some USG grants, has expanded its operations at four government-provided shelters located in different regions of the country. These shelters serve as safe houses for TIP victims while they pursue their cases against traffickers, offering counseling and legal assistance. Philippine Port Police provide security to these shelters.

Other Significant Developments

18. (U) Philippine authorities assisted U.S. prosecutors to set depositions in the criminal case of an American national accused in November 2004 of sexually abusing eight boys in the Philippines. A U.S. District Court convicted him under the PROTECT ACT in June 2005 and ordered him to pay restitution to his Filipino teenage victims. The funds will provide for medical, psychological, and occupational therapy for the youths. The GRP has also cooperated on extradition and deportation cases involving three Americans charged with sex crimes in the U.S. so far in 2005.

19. (U) Following the imposition by the Government of Japan (GoJ) of stricter requirements for entertainer visas in March, the number of Filipino entertainers traveling to Japan has fallen dramatically. By October, the number of "entertainer" visas issued had fallen by 83 percent compared to the same period in 2004. At the request of the GoJ, the GRP in May suspended its rule requiring Japanese entertainment promoters to provide escrow deposits through the Philippine embassy in Tokyo or consulate in Osaka in order to cover any claims made by Filipino workers against Japanese promoters. There had been reports that these deposits had been subject to corruption.
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